

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:08 CR 343

UNITED STATES OF AMERICA)	
)	
v.)	<u>MOTION FOR DISCLOSURE OF</u>
)	<u>EXPERT REPORT AND SUPPORTING</u>
ROBERT CARL STOKES)	<u>DATA</u>
)	
)	

NOW COMES Defendant, Robert Carl Stokes (“Stokes”), by and through undersigned counsel and files this Motion for Disclosure of Expert Report and Supporting Data, pursuant to Rule 16 of Federal Rules of Criminal Procedure. In support of his Motion, Stokes shows the Court the following:

1. Fed. R. Crim. P. 16(a)(1)(g) provides, in pertinent part,

At the defendant's request, the government must give to the defendant a written summary of any testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial. . . . The summary provided under this subparagraph must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.

2. To date, Stokes has received no written summary, or any summary, of any testimony that the government intends to use under Rule 702, 703, or 705.
3. Accordingly, Stokes requests that the Court order the Government to provide Stokes a written summary of any testimony that the government intends to use under Rule 702, 703, or 705. To be meaningful, such a written summary should include the underlying data which supports the expert’s opinion(s).
4. In the event that the Government fails to timely produce the written summary, the Government should be prohibited from using testimony under Rules 702, 703, or 705 at trial.

WHEREFORE, for the above-stated reasons, Stokes asks the Court to order the Government to provide Stokes a written summary of any summary of any testimony that the government intends to use under Rule 702, 703, or 705, including the underlying data which supports the expert's opinion(s).

Respectfully submitted, this the 24th day of July, 2009.

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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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This is the 24th day of July, 2009.

By: /s/Melissa L. Pulliam
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